

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PHILLIP MICHAEL KNOX

CIVIL NO. 05-908 (MJD/JSM)

Petitioner,

v.

ORDER

Warden ROBERT FENEIS,
MCF/Rush City Correctional,
Commissioner of Corrections
JOAN FABIAN, and Minnesota
Attorney General MIKE HATCH,

Respondents.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated August 28, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that

1. Grounds Two, Three, and Four of Knox's Application for a Writ of Habeas Corpus [Docket Nos. 1 and 4] are **DISMISSED WITH PREJUDICE**.

2. Within 20 days after the District Court issues an order adopting this Report and Recommendation, respondents are ordered to respond to the substance of Ground One of Knox's Petition and to provide the Court with the trial transcript.

Dated: September 29, 2006

s / Michael J. Davis

MICHAEL J. DAVIS

United States District Court Judge